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RHEBAAA/DEPT OF ENERGY WASHDC PRIORITY
RHEHNSC/NSC WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKDIA/DIA WASHDC PRIORITY
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001993

SIPDIS

STATE FOR AF/FO, AF/W (DENNISON), AF/RSA, INR/AA, INL/AEE;
ADDIS ABABA FOR U.S. MISSION TO AU

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TAGS: [PREL](#) [PGOV](#) [GB](#) [NG](#) [NI](#)

SUBJECT: DEMARCHE TO AFRICA UNION PEACE AND SECURITY
COUNCIL ON NIGER

REF: A. SECSTATE 110957

[1](#)B. AMB SANDERS - DAS FITZGERALD E-MAIL OCT 29

Classified By: Political Counselor James P. McAnulty
for reasons in Sections 1.4. (B) and (D)

SUMMARY

[1](#)1. (SBU) Ambassador delivered demarche on Niger to Africa Union (AU) Peace and Security Council (PSC) Chairperson Dr. Jean Ping October 29 on the margins of the PSC Summit in Abuja, encouraging the AU to follow up the Economic Community of West African States (ECOWAS) in suspending Niger. Ping said AU statutes did not allow for suspension unless a coup actually occurred. He noted that he would prepare his report on Niger within a month, as called for by the PSC, after which AU members would decide on next steps. Separately, PolCouns delivered demarche October 30 to Nigerian Foreign Ministry (MFA) Acting Director for North and Central America Rabia Shehu October 30, who promised to pass along our appeal to his counterpart in the MFA Department of West African Affairs. END SUMMARY.

AU ENDORSES ECOWAS ACTIONS ON NIGER

[1](#)2. (C) Ambassador, accompanied by PolOff (note-taker) raised points on Niger (ref A) with AU PSC Chairperson Ping (ref B), whom she knew from her tenure at NSC when Ping served as Gabon's Foreign Minister. Ping described the statement of support for ECOWAS actions from the PSC communique (see text in paragraph 5) as a "de facto" endorsement of ECOWAS' position. When pressed on possible Niger suspension, Ping noted that the AU had no mechanism to suspend or expel member states, except for unconstitutional changes of government, such as through coups. Unlike in ECOWAS, the AU could not suspend governments that sought to extend their mandates via unconstitutional means. Ping's AU legal experts, present at the discussion, confirmed this was the case. Ping said he would prepare his report on Niger within one month, as directed by the PSC, after which AU members would decide on future actions.

13. (C) PolCouns met with MFA Acting Director for North and Central America Shehu October 30 to discuss Niger. Shehu informed PolCouns that ECOWAS President Dr. Mohamed Ibn Chambas had appealed to the PSC meeting the previous day to endorse ECOWAS suspension of Niger, which, in Shehu's view, would have amounted to the "same action." He remarked that the AU usually followed the consensus of regional sub-groups, including ECOWAS. While acknowledging that he was not the Ministry's expert on AU issues, he did not rule out future AU consideration of possible suspension. (Separately, Chambas told the Ambassador after the October 29 PSC session that this issue would be a challenge for the AU, given that it does not have the same mandate.) Shehu drew a distinction between Niger, where an elected government tried to extend its rule through undemocratic means, and Guinea, where the Qits rule through undemocratic means, and Guinea, where the military assumed power by force and violated human rights. He promised to pass along our non-paper on Niger to the MFA Director for West African Affairs.

14. (C) Shehu added that his government did not rely solely on AU and ECOWAS efforts, assuring PolCouns that the GON continued to press Niger to "see reason" and "retrace" its steps regarding the extension of its mandate. He noted that, as part of such efforts, President Yar'Adua had sent both former Head of State Abdulsalami Abubakar (twice) and MFA Minister of State Bagudu Hirse to Niger, as personal envoys. Shehu emphasized the importance of maintaining stability and

ABUJA 00001993 002 OF 002

democratic processes in Niger and other neighboring states.

PSC COMMUNIQUE

15. (U) The text of the October 29 PSC communique follows:

Begin Text:

Communique of the 207th Meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja, Nigeria, at the level of Heads of State and Government, on 29 October 2009, adopted the following decision on the situation in the Republic of Niger:

Council,

(1) Takes note of the briefings by ECOWAS and the AU Commission on the latest developments in the situation in Niger;

(2) Endorses the decisions on the situation in Niger adopted by the Extraordinary Summit of the Economic Community of West African States (ECOWAS) held in Abuja, on 17 October 2009, and commends the efforts deployed by ECOWAS towards finding a speedy and consensual solution to the crisis in Niger. Council also commends the initiatives taken by the Chairperson of the Commission to help resolve the crisis;

(3) Requests the Chairperson of the Commission to intensify his efforts and to continue to work with ECOWAS to facilitate the speedy resolution of the crisis in Niger and the democratic functioning of the institutions of the country, with the participation and support of all political forces of Niger;

(4) Further requests the Chairperson of the Commission to report to it, within a month, on developments in Niger and

the outcome of his efforts and those of ECOWAS.

(5) Decides to remain seized of the matter.

End Text.

SANDERS